

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,
BIOPTIX, INC., JOHN O'ROURKE,
JEFFREY G. MCGONEGAL, BARRY
HONIG, CATHERINE
DEFRANCESCO, MICHAEL
BEEGHLEY, JOHN STETSON, MARK
GROSSMAN, ANDREW KAPLAN,
MIKE DAI, JASON LES, and ERIC SO,

Defendants.

Civil No. 3:18-CV-02293(FLW)(ZNQ)

MOTION DATE: March 16, 2020

**NOTICE OF DEFENDANTS' MOTION FOR LEAVE TO FILE A JOINT
SUR-REPLY IN SUPPORT OF THEIR MOTIONS TO DISMISS LEAD
PLAINTIFF'S CORRECTED CONSOLIDATED CLASS ACTION
COMPLAINT**

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PLEASE TAKE NOTICE that on March 16, 2020, or at such other date as may be set by the Court, Defendants Riot Blockchain, Inc., John O'Rourke, Jeffrey G. McGonegal, Michael Beeghley, Andrew Kaplan, Jason Les, and Eric So (collectively, "Defendants"), by and through their undersigned attorneys, will move the Honorable Freda L. Wolfson, United States District Judge, Clarkson S. Fisher Building & Courthouse, 402 East State Street Room 2020, Trenton, New Jersey 08608, for an Order pursuant to Local Civil Rule 7.1(d)(6), permitting Defendants to submit a joint sur-reply in support of their Motions to Dismiss (Dkt. Nos. 107 and 108) Lead Plaintiff Dr. Stanley Golovac's Corrected Consolidated Class Action Complaint (Dkt. No. 73) in the above-captioned matter.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely on this Notice of Motion, the accompanying Memorandum of Law, the Declaration of D. Scott Carlton, and on such other written and oral argument as may be presented to the Court as well as all pleadings and proceedings had to date herein.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith.

DATED: February 10, 2020

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By: /s/ Chad J. Peterman

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